

Atty's Dkt: ZELKHA6

In re Application of: ) Application Division  
 Morris ZELKHA ) ATTN: PCT  
 Serial No. 10/525,064 ) Washington, D.C.  
 IA Filing Date: August 17, 2003 ) Confirmation No. 5871  
 For: INDUSTRIAL TOMATO PROCESS AND PRODUCT... ) Date: September 13, 2005

**LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371**

U.S. Patent and Trademark Office  
 Customer Service Window  
 Randolph Building, Mail Stop Missing Parts  
 401 Dulany Street  
 Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated July 15, 2005. Attached hereto is/are:

- [XX] Two (2) declarations in compliance with 37 C.F.R. 1.63, identifying the present application by title and priority information.  
 [XX] A Preliminary Amendment [XX] Fees are reduced due to elimination of claim multiple dependencies.  
 [XX] Additional fees as calculated below:

|  |                        |            |
|--|------------------------|------------|
| <input type="checkbox"/> Basic fee   |                        |            |
| <input checked="" type="checkbox"/> Search fee   |                        | \$400.00   |
| <input checked="" type="checkbox"/> Exam fee   |                        | \$200.00   |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). |                        | \$130.00   |
| Number of each additional 50 pages or fraction thereof (round up to a whole number)  | RATE                   |            |
|  | X \$250.00             |            |
| Number of Claims Previously Paid For   | Number of Extra Claims | Rate       |
| 17- 20 =   |                        | X \$ 50.00 |
| 2- 3 =   |                        | X \$200.00 |
| Multiple Dependent Claims (if applicable)  |                        | + \$360.00 |
| <b>TOTAL OF ABOVE CALCULATIONS</b>   |                        | \$730.00   |
| Reduction of 1/2 for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.   |                        | <\$ >      |
| <b>SUBTOTAL</b>  |                        | \$730.00   |
| Processing fee of \$130.00 for late furnishing of the English translation.   |                        | \$         |
| <b>TOTAL NATIONAL FEE</b>  |                        | \$730.00   |

- ☐ It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity

| Response Filed Within           |            |
|---------------------------------|------------|
| <input type="checkbox"/> First  | \$ 60.00   |
| <input type="checkbox"/> Second | \$ 225.00  |
| <input type="checkbox"/> Third  | \$ 510.00  |
| <input type="checkbox"/> Fourth | \$ 795.00  |
| <input type="checkbox"/> Fifth  | \$1,080.00 |

Other Than Small Entity

| Response Filed Within           |            |
|---------------------------------|------------|
| <input type="checkbox"/> First  | \$ 120.00  |
| <input type="checkbox"/> Second | \$ 450.00  |
| <input type="checkbox"/> Third  | \$1,020.00 |
| <input type="checkbox"/> Fourth | \$1,590.00 |
| <input type="checkbox"/> Fifth  | \$2,160.00 |

month after time period set

month after time period set

[XX] Total fees enclosed: \$ 730.00

[XX] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$ 730.00 is enclosed to cover the above fees.

[XX] Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

09/16/2005 GFREY1 00000137 10525064

01 FC:1617  
 02 FC:2206

130.00 OP  
 600.00 OP

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 Attorneys for Applicant(s)

By:

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## UNITED STATES PATENT AND TRADEMARK OFFICE

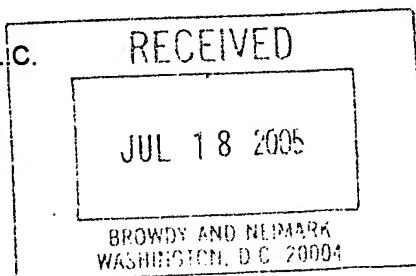
PCT/PTO 13 SEP 2005 Makh

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|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/525,064                  | Morris Zelkha         | ZELKHA6          |

|                               |               |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. |               |
| PCT/IL03/00678                |               |
| I.A. FILING DATE              | PRIORITY DATE |
| 08/17/2003                    | 08/19/2002    |

001444  
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CONFIRMATION NO. 5871  
 371 FORMALITIES LETTER



\*OC000000016514925\*

Date Mailed: 07/15/2005

MSP=15SE2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/18/2005
- Copy of the International Search Report filed on 02/18/2005
- Request for Immediate Examination filed on 02/18/2005
- U.S. Basic National Fees filed on 02/18/2005
- Priority Documents filed on 02/18/2005

DOCKETED

6/19

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/525,064                  | PCT/IL03/00678                | ZELKHA6          |

FORM PCT/DO/EO/905 (371 Formalities Notice)